

AMENDMENTS TO THE CLAIMS

This Listing of Claims will replace all prior versions, including listings, of claims in the application.

Listing of Claims

1 (withdrawn): A method of delaying germination of a seed, said method comprising expressing *ABI5* in said seed prior to germination such that said seed overproduces *ABI5* as compared to wild type seeds.

2 (withdrawn): The method of claim 1 wherein said seed constitutively overexpresses *ABI5*.

3 (withdrawn): The method of claim 1 wherein said seed comprises an *ABI5* gene under the control of an activatable promoter.

4 (withdrawn): A method of inhibiting growth of germinated embryos, said method comprising overexpressing *ABI5* in said germinated embryo such that said seed overproduces *ABI5* as compared to wild type germinated embryos.

5 (withdrawn): The method of claim 4 wherein said germinated embryo constitutively overexpresses *ABI5*.

6 (withdrawn): The method of claim 4 wherein said germinated embryo comprises an *ABI5* gene under the control of an activatable promoter.

7 (withdrawn): A method of protecting a seed, seedling or plant from drought comprising expressing *ABI5* in said seed, seedling or plant such that *ABI5* is overproduced as compared to a wild type seed, seedling or plant, respectively.

8 (withdrawn): The method of claim 7 wherein said seed, seedling or plant constitutively overexpresses *ABI5*.

9 (withdrawn): The method of claim 7 wherein said seed, seedling or plant comprises an *ABI5* gene under the control of an activatable promoter.

10 (withdrawn): A method of protecting a seed, seedling or plant from high salt concentration comprising overexpressing *ABI5* in said seed, seedling or plant such that *ABI5* is overproduced as compared to a wild type seed, seedling or plant, respectively.

11 (withdrawn): The method of claim 10 wherein said seed, seedling or plant constitutively overexpresses *ABI5*.

12 (withdrawn): The method of claim 10 wherein said seed, seedling or plant comprises an *ABI5* gene under the control of an activatable promoter.

13 (withdrawn): A method of making a seed, seedling or plant hypersensitive to abscisic acid comprising overexpressing *ABI5* in said seed, seedling or plant such that *ABI5* is overproduced as compared to a wild type seed, seedling or plant, respectively.

14 (withdrawn): The method of claim 13 wherein said seed, seedling or plant constitutively overexpresses *ABI5*.

15 (withdrawn): The method of claim 13 wherein said seed, seedling or plant comprises an *ABI5* gene under the control of an activatable promoter.

16 (withdrawn): A method of creating a seed, seedling or plant which is tolerant to drought wherein said method comprises manipulating the genome of said seed, seedling or plant or an ancestor of said seed, seedling or plant such that said seed, seedling or plant can produce more *ABI5* during drought than will a wild type seed, seedling or plant, respectively.

17 (withdrawn): The method of claim 16 wherein said seed, seedling or plant is made transgenic for *ABI5* under the control of a constitutive promoter.

18 (withdrawn): The method of claim 16 wherein said seed, seedling or plant is made transgenic for *ABI5* under the control of an activatable promoter.

19 (withdrawn): A method of creating a seed, seedling or plant which is tolerant to above normal salt concentrations wherein said method comprises manipulating the genome of said seed, seedling or plant or an ancestor of said seed, seedling or plant such that said seed, seedling or plant can produce more *ABI5* in response to above normal salt conditions than will a wild type seed, seedling or plant, respectively.

20 (withdrawn): The method of claim 19 wherein said seed, seedling or plant is made transgenic for *ABI5* under the control of a constitutive promoter.

21 (withdrawn): The method of claim 19 wherein said seed, seedling or plant is made transgenic for *ABI5* under the control of an activatable promoter.

22 (withdrawn): A method of creating a seed, seedling or plant which is hypersensitive to abscisic acid wherein said method comprises manipulating the genome of said seed, seedling or plant or an ancestor of said seed, seedling or plant such that said seed, seedling or plant produces more ABI5 than does a wild type seed, seedling or plant, respectively.

23 (withdrawn): The method of claim 22 wherein said seed, seedling or plant is made transgenic for *ABI5* wherein *ABI5* is under the control of a constitutive promoter.

24 (withdrawn): The method of claim 22 wherein said seed, seedling or plant is made transgenic for *ABI5* under the control of an activatable promoter.

25 (currently amended): A seed, seedling or plant ~~expressing an *ABI5* transgene comprising~~ a polynucleotide which comprises a heterologous promoter operatively linked to a nucleic acid sequence encoding abscisic acid insensitive 5 (*ABI5*).

26 (currently amended): The seed, seedling or plant of claim ~~25~~ 37 wherein said ~~seed,~~ seedling or plant comprises an *ABI5* gene under the control of ~~promoter is~~ a constitutive promoter.

27 (currently amended): The seed, seedling or plant of claim ~~25~~ 37 wherein said ~~seed,~~ seedling or plant comprises an *ABI5* gene under the control of ~~promoter is~~ an activatable inducible promoter.

28 (currently amended): The seed, seedling or plant of claim 25 wherein said seed, seedling or plant overproduces ABI5 in comparison to an untransformed plant.

29 (currently amended): The seed, seedling or plant of claim 25 wherein said seed, seedling or plant is hypersensitive to abscisic acid in comparison to an untransformed plant.

30 (canceled).

31 (canceled).

32 (withdrawn): A method of protecting somatic embryos from prematurely germinating comprising overexpressing ABI5 in said somatic embryos.

33 (withdrawn): The method of claim 32 wherein said somatic embryos are treated with abscisic acid.

34 (withdrawn): A method of protecting primed seeds from prematurely germinating comprising overexpressing ABI5 in said primed seeds.

35 (withdrawn): The method of claim 34 wherein said primed seeds are treated with abscisic acid.

36 (withdrawn): A method of determining whether a somatic embryo has been properly matured or primed such that it will survive long term storage, comprising measuring the amount of ABI5 present in the embro, wherein if the amount is equal to or greater than the amount of ABI5 in a zygotic embryo the somatic embryo has been properly matured.

37 (new): The seed, seedling or plant of claim 25 wherein said promoter is selected from the group consisting of a constitutive promoter, an inducible promoter and a derepressible promoter.

U.S. Serial No. 09/813,352
Amendment dated 17 September 2003
Reply to Office Action mailed 17 June 2003

38 (new). The seed, seedling or plant of claim 37 wherein said promoter is a derepressible promoter.